



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/501,306

07/13/2004

Junichi Ogikubo

450100-04815

6116

7590 05/01/2008
William S. Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

HANNETT, JAMES M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

05/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,306	Applicant(s) OGIKUBO, JUNICHI	
	Examiner JAMES M. HANNETT	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/23/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11-13,15-17 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11-13,15-17 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on 1/23/2008. These drawings are approved by the examiner.

Response to Arguments

The applicant should note that examiner Asif Khokar is no longer the examiner assigned to this case. This action and all further actions should be addressed to Examiner James M. Hannett.

Applicant's arguments filed 1/23/2008 have been fully considered but they are not persuasive. The applicant argues that the prior art does not teach including information on a frame rate of the main image and frame identification information of each frame included in the reference frame period. The applicant further argues that although Cok teaches metadata information describing the frame rate or exposure time for each frame or alternatively each frame having an associated information of each frame included in a reference frame period, that Cok's frame rate or exposure time meta data nor the replication value can be considered as being identification information of each frame included in a reference frame period”

The examiner disagrees with the applicant and asserts that the claim limitation of “frame identification information” is broad and does not exclude frame rate, exposure time of alternatively each frame having an associated information of each frame included in a reference frame period. Furthermore, the examiner asserts that any type of meta data associated with an individual frame can be viewed as identification information of each frame. The applicant is advised to amend to claims to more specifically define what the identification information includes or excludes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claims 1, 3-5, 7-9, 11-13, 15-17 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0016750 Cok..

2: As for Claim 1, Cok '750 discloses a transmission apparatus (Fig. 6) which comprises transmit data generation means for generating transmit data by linking to main data representing an image and/or audio accessory information including information on a frame rate of this main data (A digital camera 73, digital computer.80, and storage device 80 make a transmit data generation mean, Fig. 6, Furthermore, each frame in the processed digital motion image sequence has an associated duration, which is used to specify the length of time for which the frame is presented. This duration can vary from frame to frame in the sequence. To accomplish this, each frame in the image sequence is accompanied by recta-data information describing the frame rate (or exposure time) for each frame in the image sequence, paragraph 0023. Meta-data is image accessory information. Image taken by camera is main image and processed image from camera to computer 74 is transmit data.); and transmission processing means for performing output processing on the transmit data via a transmission channel (The digital data representing the motion image sequence is processed in a digital computer 76, paragraph 0026. Digital computer 76 is transmission-processing mean. It is connected to digital camera via a wire line as shown in Fig. 6. Wire line is transmission channel as described by the

applicant), wherein the transmit data generation means includes: accumulation means for accumulating the main data temporarily (a storage medium such as an optical disc apparatus 80, paragraph 0026); and read processing means :for controlling read processing of the main data accumulated in the accumulation means (Computer 76, paragraph 0026, inherently have a read processing control which controls the read processing), wherein the transmission processing means informs the read processing means of a band of the transmission channel, and wherein the read processing means controls reading of the main data in accordance with the band thus informed, thereby adjusting the frame rate of the main data (The effective frame rate can be modified to deal with other issues. For example, the effective frame rate might be reduced in response to other limitations in the system such as storage or bandwidth or computing capability, or to compensate for processing artifacts, paragraph 0028. Effective frame rate adjust in digital camera, wherein a CPU/microcontroller controls the entire operation including the reading of main data. A computer is transmission-processing mean, which informs the camera regarding the limitation such as storage capacity or bandwidth.). Cok'750 disclose the transmit data generation means links as the accessory information at least the frame rate information and frame identification information of each frame included in a reference frame period to the main data (each frame in the processed digital motion image sequence has an associated duration which is used to specify the length of time for which the frame is presented. This duration can vary from frame to frame in the sequence. To accomplish this, each frame in the image sequence is accompanied by meta-data information describing the frame rate (or exposure time) for each frame in the image sequence, paragraph 0023; An image is accompanied with meta-data which is accessory information and information on frame rate are included. Furthermore, Where the effective frame rate is less than the original frame rate, the reduction in frames can be readily

accomplished by deleting frames, by replacing a number of frames with an average over multiple frames, or by interpolating a representative frame for the multiple frames in the motion image sequence to create an image sequence having the effective frame rate. Where the effective frame rate is greater than the original capture frame rate, additional frames can be created by frame interpolation to create an image sequence having the effective frame rate, page 2, paragraph 0020; effective frame rate is less than the original frame rate and effective frame rate greater than the original capture frame rate is frame identification information because it is identifying the frame rate. Original frame rate is reference frame period to the main data since frame rate less than or greater than is based on it. Data is being generating according to by linking frame rate information and frame identification information.)

3: In regards to Claim 3, Cok '750 discloses information modification means for modifying frame rate information contained in the accessory information, in response to adjustment of the frame rate by the read processing means (a digital computer 76 to create an image sequence having portions with different effective frame rates, paragraph 0026. Computer 76 modifies the frame rate information according to the adjustment of the frame rate by the read processing means. Furthermore, a motion image sequence 20 is originally captured at 24 frames per second. Because of the changes in scene content, an effective change rate of 48 frames per second is selected for display. To create this faster frame rate sequence, the image sequence 20 is processed, paragraph 0021. Which is modification of frame rate by computer 76 from 24 frames per second to 48 frames per second.)

4: As for Claim 4, Cok'750 disclose that the accessory information includes information indicating a recommended reproduction speed of the main data (FIG. 3 illustrates a more complex example. In FIG. 3 an original motion image sequence 30 is captured at 24 flames

per second and the effective frame rate is determined to be 32 frames per second, page 2, paragraph 0022; 32 frames per second is a recommended reproduction speed of the main data.)

5: In regards to Claim 5, Cok'750 disclose that the accessory information includes information indicating a reproduction-enabling maximum speed Of the main data (Because the lowest common multiple of the various effective frame rates within an image sequence can readily become very large, it is expedient to limit the number of allowed effective rates (thereby limiting the maximum presentation frame rate). This is readily accomplished by rounding an effective frame rate for a portion of an image sequence to the next highest allowed frame rate, page 3, paragraph 0025; maximum presentation frame rate is reproduction-enabling maximum speed of the main data.)

6: As for Claim 7, Claim 7 is rejected for reasons discussed related to Claim 1.

7: In regards to Claim 8, Claim 8 is rejected for reasons discussed related to Claim 3.

8: As for Claim 9, Claim 9 is rejected for reasons discussed related to Claim 1.

9: As for Claim 11, Claim 11 is rejected for reasons discussed related to Claim 3.

10: In regards to Claim 12, Claim 12 is rejected for reasons discussed related to Claim 4.

11: As for Claim 13, Claim 13 is rejected for reasons discussed related to Claim 5.

12: In regards to Claim 15, Claim 15 is rejected for reasons discussed related to Claims 4.

13: As for Claim 16, Claim 16 is rejected for reasons discussed related to Claim 3.

14: In regards to Claim 17, Claim 17 is rejected for reasons discussed related to Claim 1.

15: As for Claim 27, Cok '750 discloses a recording medium (storage device 80, paragraph 0028) for recording main data representing an image and/or audio with accessory information including information of a frame rate of this main data being linked to the main data (each frame in the processed digital motion image sequence has an associated duration, which is

used to specify the length of time for which the frame is presented. This duration can vary from frame to frame in the sequence. To accomplish this, each frame in the image sequence is accompanied by meta-data information describing the frame rate (or exposure time) for each frame in the image sequence, paragraph 0023. Meta-data is image accessory information.) Cok '750 discloses that the accessory information includes frame identification information of each frame included in a reference frame period (each frame in the processed digital motion image sequence has an associated duration, which is used to specify the length of time for which the frame is presented. This duration can vary from frame to frame in the sequence. To accomplish this, each frame in the image sequence is accompanied by meta-data information describing the frame rate (or exposure time) for each frame in the image sequence, paragraph 0023; An image is accompanied with meta-data which is accessory information and information on frame rate are included. Furthermore, where the effective frame rate is less than the original frame rate, the reduction in frames can be readily accomplished by deleting frames by replacing a number of frames with an average over multiple frames, or by interpolating a representative frame for the multiple frames in the motion image sequence to create an image sequence having the effective frame rate. Where the effective frame rate is greater than the original capture frame rate, additional frames can be created by frame interpolation to create an image sequence having the effective frame rate, page 2, paragraph 0020; effective frame rate is less than the original frame rate and effective frame rate greater than the original capture frame rate is frame identification information because it is identifying the frame rate. Original frame rate is reference frame period to the main data since frame rate less then or greater then is based on it. Data is being generating according to by linking frame rate information and frame identification information.)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James M Hannett/

Primary Examiner, Art Unit 2622

JMH
May 1, 2008